

REMARKS

This Amendment addresses the outstanding Office Action dated September 5, 2008. Applicants respectfully request favorable reconsideration of this application, as amended.

By this Amendment, Claims 1 and 8 have been amended to more particularly recite subject matter which Applicants regard as their invention and as discussed in detail below. New Claims 18-24 have also been added to provide additional protection for Applicants' invention. New Claim 18 includes the subject matter of Claim 17 (now cancelled without prejudice or disclaimer) and certain subject matter previously included in Claim 1. New Claim 19 includes the subject matter of Claim 16 (also now cancelled without prejudice or disclaimer) and certain subject matter previously included in Claim 8. Thus, Claims 1-15 and 18-24 are pending.

In the Office Action, Claims 1-15 were rejected under 35 U.S.C. § 103 over Bove in combination with O'Shaughnessy; and Claims 16-17 were rejected under 35 U.S.C. § 103 over Bove and O'Shaughnessy in further view of Official Notice.

Without acceding to the rejections, Claim 1 now recites, *inter alia*, that the rebalancing execution module is configured to calculate in dollars and percentages a drift amount for each said asset class. Support is provided at page 18, lines 3-14; and FIGS. 13 and 15 of Applicants' published application. It is apparent that the applied references do not teach or suggest this feature.

For example, the primary reference, Bove, describes a system and method for automating investment planning. However, Bove is not seen as teaching or suggesting calculat[ing] in dollars and percentages a drift amount for each said asset class, as recited in Claim 1.

The secondary reference, O'Shaughnessy, is not seen as remedying the above-noted deficiencies of Bove. In particular, O'Shaughnessy teaches analyzing a portfolio according to a variety of ranked factors. *See* O'Shaughnessy, col. 22, line 60 to col. 23, line 36. However, none of O'Shaughnessy's factors appear to teach or suggest calculating in dollars and percentages a drift amount for each said asset class, as recited in Claim 1.

Accordingly, Applicants respectfully submit that Claim 1 distinguishes patentably from the applied references.

Further, Claim 8 recites, *inter alia*, a step d. determining an investment amount of funds required to reach a desired financial goal included in said received financial goal information based on a risk tolerance level included in said received risk tolerance level information. Support is provided, for example, at page 11, lines 4-5; and FIG. 6 of Applicants' disclosure. It is apparent that the applied references do not teach or suggest this feature.

For example, the primary reference, Bove, teaches suggesting that the client add specific amounts of shares to currently held mutual funds, and/or open one or more new mutual funds and contribute specific amounts of funds to the new funds. *See* Bove, col. 2, lines 10-14. However, Bove is not understood as teaching or suggesting determining an investment amount of funds required to reach a desired financial goal included in received financial goal information based on a risk tolerance level included in received risk tolerance level information, as recited in Claim 8.

The secondary reference, O'Shaughnessy, is also not seen as teaching or suggesting this feature. In contrast, O'Shaughnessy teaches that in his system the user

tells the system how much the user will invest. O'Shaughnessy, col. 2, lines 12-16; col. 7, lines 19-21; and col. 12, lines 4-6.

Therefore, Applicants respectfully submit that Claim 8 also distinguishes patentably from the applied references.

New Claims 18-24 are also believed to be allowable over the references of record. In particular, new Claims 20 and 23 recite that the predetermined condition is based on the date of the last additional investment into the portfolio that caused an automatic rebalancing of the portfolio. Support is provided, for example, at page 20, lines 18-23 of Applicants' disclosure.

Furthermore, new Claims 21 and 24 recite phasing the portfolio into balance over time by applying received funds to the purchase of assets in order of largest recommended allocation percentage first. Support is provided, for example, at page 21, line 12 to page 22, line 3 of Applicants' disclosure.

Neither Bove nor O'Shaughnessy are seen as teaching or suggesting the above-noted features.

Therefore, Dependent Claims 2-7, 9-15, and 18-24 are also believed to be patentable at least due to their dependence from Claims 1 and 8, as well as for the additional features included in Claims 2-7, 9-15, and 18-24.

Accordingly, Applicants respectfully submit that this application is in condition for allowance. A prompt Notice of Allowance is respectfully requested.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (A-10041) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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By: /Eric G. King/
Mitchell W. Shapiro
Reg. No. 31,568

Eric G. King
Reg. No. 42,736

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 610-8647
4823-3326-4644